

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

UNITED STATES OF AMERICA)
)
v.) NO.:23-2396
)
MARCUS MILLSAP)

UNITED STATES' MOTION TO FILE OVERLENGTH BRIEF

The United States, through Jonathan D. Ross, United States Attorney for the Eastern District of Arkansas, and Stephanie Mazzanti, Assistant United States Attorney for said district, respectfully moves this Court to permit filing of an overlength brief.

1. The United States' brief is currently due on January 17, 2024.
2. The United States moves for permission, pursuant to Local Rule 28A(l) to file a principal response brief in excess of the 13,000 word-limit set forth in Federal Rule of Appellate Procedure 32(a)(7)(B)(i). Specifically, the United States requests a word limit of 14,000 words.
3. This case involved more than 50 defendants and led to a multi-week RICO trial. The record is thousands of pages long. Millsap has raised 12 issues on appeal, including applicability of the Interstate Agreement on Detainers Act, sufficiency of the evidence, multiple evidentiary rulings, moving for a mistrial, and

several sentencing enhancements. To properly respond, the United States respectfully moves for permission to file an overlength brief.

4. Further, the Statement of the Case in Millsap's brief is deficient, as it does not set out the facts relevant to the issues submitted for review. *See* Fed. R. App. P. 28(a)(6). Pursuant to Rule 28(b)(3), the United States' brief includes a more comprehensive Statement of the Case where one would have otherwise not been required, which required significant additions necessitating the instant motion.

WHEREFORE, the United States respectfully requests that the Court permit it to file an overlength brief of 14,000 words.

Respectfully submitted,

JONATHAN D. ROSS
United States Attorney

By: Stephanie Mazzanti
Bar Number 2006298
Assistant United States Attorney
Post Office Box 1229
Little Rock, Arkansas 72203
Telephone No. (501) 340-2600
Stephanie.Mazzanti@usdoj.gov

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,
TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS

1. This document complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(A) and the word limit of Fed. R. App. P. 27(d)(2), excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 486 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in size 14 in Times New Roman.

By: Stephanie Mazzanti
Bar Number 2006298
Assistant United States Attorney
Post Office Box 1229
Little Rock, Arkansas 72203
Telephone No. (501) 340-2600
Stephanie.Mazzanti@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2024, a copy of the foregoing was electronically filed with the Clerk of the Court by using the Case Management/Electronic Case Files (CM/ECF) system.

By: Stephanie Mazzanti
Bar Number 2006298
Assistant United States Attorney
Post Office Box 1229
Little Rock, Arkansas 72203
Telephone No. (501) 340-2600
Stephanie.Mazzanti@usdoj.gov